

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEVE J. SERR,

Plaintiff,

v.

JOSEPH LEHMAN,

Defendant.

Case No. C04-5560RBL

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) This complaint is **DISMISSED WITH PREJUDICE**. The uncontested evidence shows plaintiff's release plan was denied for valid reasons. Plaintiff's allegations of arbitrary denial and his alleged claim of a denial of substantive due process are without merit.
- (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendant, and to the Hon. J. Kelley Arnold.

DATED this 24th day of June, 2005.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE